

IDAHO STATE ELECTRICAL BOARD MEETING

December 9, 2004

MINUTES

Note: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.

The Idaho State Electrical Board held a meeting at the Division of Building Safety, “Board Room”, located at 1090 E Watertower Street, Meridian, Idaho on December 9, 2004, and was called to order by Chairman Stephen Keys at 9:05 a.m. Those attending were:

ELECTRICAL BOARD MEMBERS:

Stephen L. Keys, Chairman
Dale Pippitt
Lee Riley
Al Frieze
Kreg Davis – per teleconference
Gregory Ford- per teleconference

ELECTRICAL BOARD MEMBERS EXCUSED:

Tom Brown
Mark Nielsen
Chris Jensen

DBS-ELECTRICAL BUREAU STAFF MEMBERS:

Dave Munroe, Administrator
Gary Malmen, Electrical Bureau Chief
Lorraine Mallett, Electrical Administrative Assistant
Kay Christensen, Deputy Attorney General
Jeff Fitzloff, Electrical Inspection Supervisor
Marsi Woody, DBS Financial Officer

VISITORS PRESENT:

Burton Waite, Division of PTE
Bob Corbell, IEC/HVAC
James R. Weimer, E. ID JATC
Larry Wearin, IBEW
Ray Hoy, REH Electric
Chuck Taylor, Idaho Heating & Air Conditioning
Tim Phillips, Idaho Power
Stephanie Franks, Region 2 Supervisor
Tom Loudin, Region 1 Supervisor
Kevin Gellings, Region 3 Supervisor
Cathy Skidmore, Electrical Technical Records Specialist

REQUEST FOR ADMINISTRATIVE APPEALS HEARING

Notice of Violation Number 18528/Civil Penalty \$100.00

David Rossiter, President Utah Controls, Inc appealed for a hearing for civil penalty of \$100.00 to be removed for bidding on a project without their Electrical Contractors License being current.

Mr. David Rossiter was contacted per the telephone and was given the opportunity to address the board. Mr. Rossiter directed attention to the Public Works instruction to bid document for the project he submitted the bid on with emphasis on the circled paragraph that stated “This Public Works project is financed in part by the Federal Aid Funds. No contractor, subcontractor, or specialty contractor shall be required to have a current license as a Contractor in the State of Idaho in order to submit a bid or proposal on this project: prior to award and execution of the Contract, the successful bidder shall secure a PUBLIC WORKS CONTRACTOR’S LICENSE.” See Attachment A Page 2

After some discussion the Electrical Board was reminded that the Civil Penalty referred to IDAPA 07.01.03015.03 Electrical Contracting Work Defined, paragraph b. The Public Works project instructions was a different identity and was not under the jurisdiction of the Electrical Board. Mr. Rossiter in the following discussion brought up in conclusion that it was an oversight on Utah Controls Inc and was not intentional – the license was renewed the day it was brought to the Company’s attention that it was not current.

Chairman Keys told Mr. Rossiter the Electrical Board would discuss this matter later and the Board would get back to him, appreciated meeting with the board and he would get a prompt notice of the Board’s action.

Mr. Steven Moore was the next appeal but was unable to contact him per telephone so went to next agenda item.

COMPLIANCE ISSUES

Chairman Keys acknowledged Mr. Chuck Taylor and asked if he wished to address the board. Chuck Taylor, dba Idaho Heating & Air Conditioning addressed the board on issues he has had with the Electrical Bureau and on his recent civil penalty of \$400.00. Mr. Taylor gave a lengthy but condensed version of his history with the Electrical Bureau since 1982 to the present.

Chairman Keys replied to Mr. Taylor’s concerns in stating that civil penalties is not a criminal offense, that it was put in as a tool for enforcement so that people would comply with the rules. That the Board and Industry could use to get people that didn’t pay attention to understand or abide to the rules before having to procedure to revoking licenses.

The board listened to Mr. Chuck Taylor’s concerns and at the end of meeting Mr. Taylor’s issues were brought forward again. Chairman Steve Keys made it clear; Mr. Taylor’s time was not an appeal he did not post the bond or submit any paper work per Administrative Rule requirements and asked the board if they had any suggestions? The board felt it appropriate to not take any action on Mr. Taylor’s issues.

REQUEST FOR ADMINISTRATIVE APPEALS HEARING (Continued)

Notice of Violation Number 17460/Civil Penalty \$100.00

Steve Moore, President Auto-Rain Sprinkler Contracting appealed to the board for relief from taking the exam to reinstate Auto-Rain Sprinkler’s Electrical Specialty Contractor’s License.

Mr. Moore was contacted per the telephone and was given the opportunity to address the board. He stated that he never received a renewal notification for his Electrical Specialty Contractors license and was appealing relief for reinstatement of that license without having to re-take the test that is required. Discussion followed.

Chairman Keys pointed out to Mr. Moore that the rule could not be waived, the requirement that a Contractor must re-test if the license had not been revived after one year had to be followed. Mr. Moore thanked the board for their time and said he would follow the procedure to get his license reinstated.

Chairman Keys gave the floor to Kay Christensen, Deputy Attorney General.

Kay Christensen briefly talked about Lowe's and Home Depot Letters she had sent out, that it was a general worded letter and she was waiting for a response.

Ms. Kay Christensen also addressed the question on if Board Members can go out and ask apprentices or other electrical workers to see their registration. The apprentices are required to carry their registration and have that document available to building safety personnel not the respective Board members. There is nothing in the Board members obligations, responsibilities or statute that authorizes or requires board members to undertake investigative roles.

Another issue that Ms. Christensen was asked to look into was if inspections were required for every permit issued and if they had to be done during regular hours. Her information on this issue was that the inspection authority in the statute is discretionary in saying that the administrator may inspect but it doesn't state that every permit issued shall be inspected and that it is not mandatory that every job be inspected. There is also a provision that says the administrator will inspect where the inspection will be done with in reasonable hours. This does not necessarily mean 8:00 am – 5:00 pm; this language was created to protect the people out there who are doing the work.

Idaho Journeyman & Master/Oregon Journeyman & Supervisor Electrical Licensing Reciprocal Agreement

Chairman Steve Keys asked Mr. Gary Malmen to talk about the proposed reciprocal agreement with Oregon State. Mr. Malmen stated that Oregon is soliciting Idaho's input to see if we would like to have our master contractor license equivalent to their supervising license. After favorable discussion for the reciprocal agreement, the board asked Kay Christensen to review the document and after her endorsement to bring the written document back to the board for approval.

RECORDING OF BOARD MINUTES

Chairman Keys acknowledged Kay Christensen to discuss recording of board minutes. Kay briefly discussed the purpose of minutes, which is to create a historical record of the actions that the board has taken such as motions. The board minutes should be more abbreviated and be very business like and that she was creating some templates she would distribute to all the different bureaus in the Division of Building Safety. Chairman Keys asked if anybody had any questions or concerns, which there were none voiced.

The Board asked Kay Christensen to look into the federal statute regarding the Utah Controls appeal and get back to them on her findings. Kay Christensen agreed to do that and than had to depart.

ELECTRICAL INSPECTIONS/COMPLIANCE

Chairman Keys directed the board to the issue of Electrical inspections and compliance. Discussion of limited resources to accomplish compliance and looking for input from the bureau on what things are obligated for and to what the complicating factors would be in reallocating resources were brought forward. Gary Malmen was asked for the bureau's input and Jeff Fitzloff gave a Power Point Presentation on the subject and a discussion of resources, obligations and brainstorming for solutions, occurred. Dave Munroe and Marsi Woody did put forth that Al Caine's position is vacant for about a year and that those salary savings could be used to hire temporary compliance officers. Gary Malmen put forth the suggestion that

Ray Hoy be hired as a part time plan review and code question inspector for the electrical bureau relieving some pressure in the office and the rest of the salary savings be used for compliance that the board wished to focus on. Chairman Keys suggested that an analysis that showed what the revenue is from various contracts and what percentage of the bureau's costs are and how much drain, if any, it is on the resources the bureau has. Consensus of the board was that a subcommittee should be formed, that could meet on a more regular basis to look into electrical inspections and compliance to bring back to the board members more information and recommendations. Chairman Keys, Al Frieze, Lee Riley and Kreg Davis volunteered to be on the sub committee. The date of Wednesday, January 5, 2005 at 8:30 am was agreed on for the first meeting of the sub committee at the Division of Building Safety Meridian location in one of the small conference rooms.

OLD BUSINESS/NEW BUSINESS

Chairman Keys asked for any old or new business. In hearing none, Chairman Keys asked for motion to adjourn, Mr. Kreg Davis made a **MOTION** to adjourn. Mr. Dale Pippitt seconded the motion and was passed by the Board, unanimously. The meeting adjourned at 11:50 am.

DAVE MUNROE
Secretary of the Board

DATE

LORRAINE MALLET
Minutes Recorder

DATE